

Remarks

Claims 1-36 are pending and at issue in the present application.

Applicants traverse the rejection of claims 1-36 as obvious over Thieman, U.S. Patent No. 5,956,924 (hereinafter "Thieman").

Claim 1, and claims 2-18 dependent thereon, specify a method of producing plastic bags comprising the steps of folding a web of plastic to form an elongate folded web having free ends and securing closer tape to the free ends of the elongate folded web. End stops are formed in the closer tape at spaced locations thereof, wherein the step of forming the end stops includes the step of creating an indicia in each of the end stops. The elongate folded web is simultaneously severed and sealed at each of the spaced locations to produce individual bags.

Claim 19, and claims 20-36 dependent thereon, recite a method of producing a plastic bag including the steps of folding a web of plastic to form an elongate folded web having free ends and securing closer tape to the free ends of the elongate folded web. First and second end stops are formed in the closer tape at spaced locations thereof, wherein the step of forming the first and second end stops includes the steps of welding portions of the folded web together at first and second areas adjacent the first and second end stops, respectively, and creating an indicia in at least one of the first and second areas and the first and second end stops. The elongate folded web is simultaneously severed and sealed at each of the spaced locations to produce a bag.

None of the cited references discloses or suggests creating indicia in an end stop. In fact, Thieman discloses a method of producing plastic bags in which fastener strips are secured to free ends of a folded web of plastic. Portions of the length of the fastener strips are heat sealed to form corner seals and end stops at various locations along the fastener strips. Thieman does not, however, disclose or suggest creating indicia in the end stops. The indicia created in the end stops, according to the present invention, can identify the production line that produced the bag and/or the indicia can specify a date when the bag was produced. Such information, especially in the case of faulty bags, can be used to effectuate rapid repair of the production line that produced the faulty bags. This ability, in turn, can minimize waste and reduce uneconomic downtime of the production line. Because Thieman

does not disclose or suggest the creation of indicia in end stops, he does not even contemplate the advantages provided thereby.

Further, because none of the prior art discloses or suggests that it would be desirable or even possible to provide an apparatus to create indicia in an end stop, as specified by the claims at issue, it is evident that the claims are not obvious thereover. The prior art must disclose at least a suggestion of an incentive for the claimed combination of elements in order for a prima facie case of obviousness to be established. See *In re Sernaker*, 217 U.S.P.Q. 1 (Fed. Cir. 1983) and *Ex Parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). Accordingly, the obviousness rejection should be withdrawn.

The claims have been amended to further define the subject matter for which protection is sought and not to narrow the claimed subject matter. The amended claims do not present new matter.

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims at issue and allowance thereof are respectfully requested.

Respectfully submitted,

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